

(REV 10/01)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 36 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

MBP-010XX

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/070302INTERNATIONAL APPLICATION NO.
PCT/EP00/08711INTERNATIONAL FILING DATE
06 September 2000 (06.09.00)PRIORITY DATE CLAIMED
06 September 1999 (06.09.99)

TITLE OF INVENTION

CONGENER INDEPENDENT DETECTION OF MICROCYSTIN AND NODULARIN CONGENERES

APPLICANT(S) FOR DO/EO/US

Daniel R. Dietrich, Werner Fischer, A. Richard Chamberlin, James B. Aggen, Ian Garthwaite, Christopher O. Miles, Kathryn M. Ross, and Neale R. Towers

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2)) in ENGLISH
 - a. ☐ is attached hereto (required only if not transmitted by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(3)).
 - a. ☐ is attached hereto.
 - b. ☐ had been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☒ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).
Consisting of 4 sheets of Claims 1-18.

Items 11. to 20. below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98. (+ copy of International Search Report)
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information:

Express Mail Number

EV 009952176 US

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <div style="font-size: 2em; font-weight: bold; margin-left: 100px;">107070302</div>		INTERNATIONAL APPLICATION NO PCT/EP00/08711		ATTORNEY'S DOCKET NUMBER MBP-010XX	
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21. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1,040.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$890.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$740.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$710.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div>	CALCULATIONS PTO USE ONLY																										
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).	<div style="border: 1px solid black; padding: 2px;">\$ 890.00</div> <div style="border: 1px solid black; padding: 2px;">\$ 0</div>																										
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:20%;">CLAIMS</th> <th style="width:20%;">NUMBER FILED</th> <th style="width:20%;">NUMBER EXTRA</th> <th style="width:20%;">RATE</th> <th style="width:20%;"></th> </tr> </thead> <tbody> <tr> <td>Total claims</td> <td>28 - 20 =</td> <td>8</td> <td>X \$18.00</td> <td>\$ 144.00</td> </tr> <tr> <td>Independent claims</td> <td>1 - 3 =</td> <td>0</td> <td>X \$84.00</td> <td>\$ 0</td> </tr> <tr> <td colspan="4">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+\$280.00</td> </tr> <tr> <td colspan="4">TOTAL OF ABOVE CALCULATIONS =</td> <td>\$1,034.00</td> </tr> </tbody> </table>	CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		Total claims	28 - 20 =	8	X \$18.00	\$ 144.00	Independent claims	1 - 3 =	0	X \$84.00	\$ 0	MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+\$280.00	TOTAL OF ABOVE CALCULATIONS =				\$1,034.00	<div style="border: 1px solid black; padding: 2px;">\$ 0</div> <div style="border: 1px solid black; padding: 2px;">\$ 0</div> <div style="border: 1px solid black; padding: 2px;">\$ 0</div> <div style="border: 1px solid black; padding: 2px;">\$ 517.00</div>	
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TOTAL OF ABOVE CALCULATIONS =				\$1,034.00																							
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.	<div style="border: 1px solid black; padding: 2px;">\$ 517.00</div>																										
<div style="text-align: right;">SUBTOTAL =</div>	<div style="border: 1px solid black; padding: 2px;">\$ 517.00</div>																										
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<div style="text-align: right;">TOTAL NATIONAL FEE =</div>	<div style="border: 1px solid black; padding: 2px;">\$ 517.00</div>																										
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property	<div style="border: 1px solid black; padding: 2px;">\$</div>																										
<div style="text-align: right;">TOTAL FEES ENCLOSED =</div>	<div style="border: 1px solid black; padding: 2px;">\$ 517.00</div>																										
<div style="border: 1px solid black; padding: 2px; height: 20px;"></div>		<div style="border: 1px solid black; padding: 2px;"> Amount to be Refunded: \$ </div>																									
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a. <input checked="" type="checkbox"/>	A check in the amount of \$ 517.00 to cover the above fees is enclosed. A check in the amount of \$ _____ is enclosed for the assignment recordation fee.
b. <input type="checkbox"/>	Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.
c. <input checked="" type="checkbox"/>	The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>23-0804</u> . A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

Customer Number 207 SEND ALL CORRESPONDENCE TO: Weingarten, Schurgin, Gagnebin & Lebovici LLP Ten Post Office Square Boston, Massachusetts 02109	<div style="text-align: center;"> SIGNATURE </div> NAME: Charles L. Gagnebin III REGISTRATION NUMBER: 25,467 Date: <u>3-5-2</u>
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